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PTO/SB/05 (05-03)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 0275D-000214COD

First Inventor Robert G. Moores, Jr., et al

Title Battery Cooling System

Express Mail Label No. EV 406 074 736 US (3/16/2004)

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 29]
(preferred arrangement set forth below)
 - Descriptive title of the Invention ☒ Specification filed in English
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
5. Oath or Declaration [Total Pages 5]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Non Publication under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Statement Of Facts In Support Of Filing On Behalf Of Nonsigning Inventor Under 37 C.F.R. 1.47

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09/992 / 633

Prior application information: Examiner Stephen J. Kalafut

Group / Art Unit: 1745

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

27572

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name Harness, Dickey & Pierce, P.L.C.

Address P.O. Box 828

City Bloomfield Hills

State

MI

Zip Code

48303

Country United States of America

Telephone

248-641-1600

Fax

248-641-0270

Name (Print/Type)

W. R. Duke Taylor

Registration No. (Attorney/Agent)

31,306

Signature

W.R. Duke Taylor

Date

March 16, 2004

The PTO did not receive the following listed item(s) post card

EV 406 074 736 US

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 770

Complete if Known

Application Number _____
Filing Date _____
First Named Inventor Robert G. Moores, Jr., et al
Examiner Name Stephen J. Kalafut
Group / Art Unit 1745
Attorney Docket No. 0275D-000214COD

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 02-2548

Deposit Account Name Black & Decker (U.S.) Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 770)

2. EXTRA CLAIM FEES

Total Claims	14	-20 **	=	0	X	18	=	0
Independent Claims	2	-3 **	=	0	X	86	=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

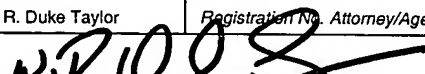
Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) W. R. Duke Taylor Registration No. Attorney/Agent 31,306 Telephone 248-641-1600
Signature  Date March 16, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit:	2838)	STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47
Serial No.	09/035,586)	
Filing Date:	March 5, 1998)	
Applicants:	Robert G. Moores, Jr., et al)	
For:	BATTERY COOLING SYSTEM)	
)	

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the United States Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited herein.

**Identification of Person Making
this Statement of Facts:**

Robert Bradus

Residence:

904 Clymer Court, Bel Air, Maryland 21015

Citizenship:

United States of America

Nonsigning Inventor

Douglas L. Kreiser

Last Known Residence:

2825 Rosalie Avenue, Baltimore, Maryland 21234

Citizenship:

United States of America

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

The following is a summary of the actions and procedures taken by myself and the attorneys of record in this case to obtain the signature of Mr. Douglas L. Kreiser. Copies of documentary evidence is also attached as set forth below.

1. On or about February 1, 1998, I had a telephone conversation with the Human Resources Department at The Black & Decker Corporation. I was informed that when Mr. Kreiser left his employ with Black & Decker, he refused to provide a forwarding address. They provided me with Mr. Kreiser's last known address - 2825 Rosalie Avenue, Baltimore, Maryland 21234.

2. On February 17, 1998, I forwarded a letter to Mr. Kreiser, via Certified Mail, Return Receipt Requested, with a notation on the envelope to the Postal Service to supply a forwarding address, if applicable. My letter requested Mr. Kreiser to contact me concerning his interest in the above-identified patent application. The letter was returned by the Post Office, marked Addressee Unknown and no forwarding address was supplied. A copy of the letter is attached as Exhibit A.

3. On March 4, 1998, I contacted the Postal Service and requested a forwarding address for Douglas L. Kreiser. I was informed that they had no forwarding address on file for Mr. Kreiser.

4. On March 6, 1998, I forwarded another letter to Douglas Kreiser at his last known address, again hoping that the Postal Service might provide a forwarding address. This time, the envelope was returned with a forwarding order sticker, indicating that Mr. Kreiser's mail was being forwarded to P.O. Box 28329, Baltimore, Maryland 21234-8329 (see attached Exhibit B).

5. On July 30, 1998, I forwarded another letter to Mr. Kreiser, this time addressed to P.O. Box 28329 in Baltimore, and again indicated my eagerness to speak with him regarding the filing of the above-identified patent application and requesting that he contact me concerning same. This letter was never returned by the Post Office. A copy of my July 30, 1998 letter is attached as Exhibit C.

6. In late July, 1998, I conducted an Internet Search on Douglas L. Kreiser. I located several listings and attempted to contact several of the persons listed as "Douglas" or "D" Kreiser by telephone. My search ended without success, as I was either informed that I had reached the wrong person, or I was unable to get a telephone answer.

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47

7. Dennis A. Dearing, Senior Group Patent Counsel, Patent, Trademark & Licensing Department, of The Black & Decker Corporation, finally contacted Mr. Kreiser by telephone. Mr. Kreiser indicated his willingness to cooperate, however hesitant. An address and telephone number at which he could be reached was ascertained. Mr. Kreiser was told that he would be contacted by Black & Decker's outside attorneys, Harness, Dickey & Pierce, P.L.C., who were now in possession of the formal papers which needed to be signed. Mr. Kreiser maintained his current address to be P.O. Box 28329, Baltimore, Maryland 21234-8329 and provided a telephone number of 910-525-3516.

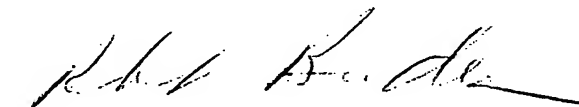
8. On August 18, 1998, W. R. Duke Taylor of Harness, Dickey & Pierce, P.L.C., attorneys of record for this case, sent a letter to Mr. Kreiser, addressed to P.O. Box 28329, Baltimore, Maryland 21234-8329; Mr. Kreiser was sent a Declaration and Power of Attorney, signed by all of the other named inventors, and also an Assignment document, both documents for his signature. Mr. Kreiser did not respond to this letter, nor was the letter returned by the post office. A copy of the August 18, 1998 letter is attached as Exhibit D.

9. Subsequently, Applicants' attorney attempted to contact Mr. Kreiser by telephone on several occasions, at all different hours of the day and night, and never received an answer.

10. On September 16, 1998, Applicants' attorney sent a second letter to Mr. Kreiser, requesting that he return the signed documents or make contact by telephone if he had questions. This letter was returned by the Post Office as "Unclaimed". See attached Exhibit E.

I declare that the facts as set forth above are true and accurate according to my present information, knowledge and belief.

Dated: 19 Nov, 1998



Robert Bradus
904 Clymer Court
Bel Air, Maryland 21015